

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 20, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREA LEE CAMPOS-  
HERNANDEZ,

Defendant.

No. 2:24-CR-00082-TOR-1

ORDER GRANTING IN PART  
AND DENYING IN PART  
DEFENDANT'S MOTION TO  
MODIFY CONDITIONS OF  
RELEASE

**MOTION GRANTED IN PART  
AND DENIED IN PART  
(ECF No. 27)**

On August 1, 2024, the Court held a detention review hearing to consider Defendant ANDREA LEE CAMPOS-HERNANDEZ's Motion to Modify Conditions of Release, **ECF No. 27**. Defendant appeared out of custody with Assistant Federal Defenders Lorinda Youngcourt and Amy Rubin. Assistant U.S. Attorney Ann Wick represented the United States. U.S. Probation Officer Chris Heinen was also present.

Specifically, Defendant seeks to: 1) modify her conditions of release and permit Defendant to have communication with her parents and family members; 2) clarify the previously imposed alcohol prohibition. The United States opposes Defendant's motion and U.S. Probation recommends against Defendant's proposed modifications of her release conditions.

Defendant, through counsel, made factual proffers pertaining to their request to modify release conditions. Defendant noted that no restrictions were placed on Defendant's contact with her parents when this matter was pending only in state

1 court. Defendant also requested clarification that Defendant's "no alcohol"  
2 condition permitted others in her residence to possess and consume alcohol.

3 The United States made proffers regarding the Government's opposition to  
4 Defendant's motion. In particular, the Government contended that with regard to  
5 contact with potential witnesses, including Defendant's family members, the  
6 prohibition on contact is mandatory pursuant to 18 U.S.C. § 3142(c)(1)(B)(iv), (v).  
7 *See* ECF No. 28 at 2-8. The Government further proffered that Defendant's  
8 parents are likely witnesses in this matter and thus covered by the statute.

9 The Court has fully considered the file in this case; the Order Denying the  
10 United States' Motion for Detention, ECF No. 21; Defendant's Motion to Modify  
11 Conditions of Release, ECF No. 27; and the Response to Defendant's Motion to  
12 Modify Conditions [of] Pretrial Release, ECF No. 28.

13 The statute suggesting various pretrial release conditions the Court may  
14 impose provides in relevant part:

15 In any case that involves a minor victim under section . . . 2251 . . .  
16 [and] 2252A(a)(2) . . . of this title [18] . . . **any release order shall**  
17 **contain**, at a minimum, a condition of electronic monitoring and **each**  
18 **of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and**  
**(viii).**

19 18 U.S.C. § 3142(c) (emphasis added). Subparagraphs (iv) and (v) of 18 U.S.C.  
20 § 3142(c)(1)(B) provide a Defendant on pretrial release shall, if the specific  
21 conditions are imposed:

- 22 (iv) abide by specified restrictions on personal associations, place of
- 23 abode, or travel;
- 24 (v) avoid all contact with an alleged victim of the crime and with a
- 25 potential witness who may testify concerning the offense;

26 18 U.S.C. § 3142(c)(1)(B)(iv), (v).

27 The Indictment charges Defendant with sexual exploitation of a minor in  
28 violation of 18 U.S.C. § 2251(a), (e) and distribution of child pornography in

1 violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1). Accordingly, pursuant to the  
2 plain language of the statute as set forth above, this Court **must** impose a  
3 prohibition on Defendant's contact and association with all potential witnesses  
4 who may testify in this case. Here, the United States has proffered sufficient  
5 evidence to establish that Defendant's parents are "potential witness[es] who may  
6 testify concerning the offense" in this case. *See* ECF No. 28; 18  
7 U.S.C. 3142(c)(1)(B)(iv), (v). As the Government sets forth in its the Response to  
8 Defendant's Motion to Modify Conditions [of] Pretrial Release, the Government  
9 proffers that text messages exist wherein Defendant is alleged to discuss her  
10 culpability in this case with her parents and sister and Defendant's parents "were  
11 initially confronted by the victim's sister and are therefore witnesses to that  
12 conversation as well." ECF No. 28 at 4. The Government therefore asserts that  
13 this information makes Defendant's parents potential witnesses. Based on the  
14 Government's proffers, Defendant's parents are indeed potential witnesses at trial.

15 With regard to the alcohol prohibition, as discussed during the hearing, the  
16 Court has clarified that alcohol may be present at Defendant's current residence  
17 and other people at that residence may consume alcohol. The prohibition on  
18 Defendant's consumption of alcohol remains in place.

19 The Court, finding good cause, **IT IS ORDERED:**

20 1. Defendant's Motion to Modify Conditions of Release, **ECF No. 27**, is  
21 **GRANTED IN PART and DENIED IN PART** as follows:

22 2. Condition No. 9 in the Order Denying the United States' Motion for  
23 Detention, ECF No. 21, is modified as follows:

24 (9) **Defendant shall not associate with and shall have no contact**  
25 **of any kind with the alleged victim of the crimes in this case**  
26 **and Defendant shall not associate with and shall have no**  
27 **contact of any kind with any potential witnesses who may**  
28 **testify in this case concerning the offenses charged in this**

1 case, including Defendant's parents. Defendant shall  
2 generally have no contact whatsoever, direct or indirect, with  
3 any other persons Defendant knows or reasonably should know  
4 are or may become a victim or potential witness in the subject  
5 investigation or prosecution. Prohibited forms of contact  
6 include, but are not limited to, telephone, mail, email, text,  
7 video, social media, and/or any contact through any third  
8 person or parties.

9 3. Condition No. 13 in the Order Denying the United States' Motion for  
10 Detention, ECF No. 21, shall be modified as follows:

11 (13) **Alcohol Prohibition:** Defendant shall not use or possess any  
12 alcoholic beverage. Defendant's host family may have alcohol  
13 in the residence where Defendant resides so long as Defendant  
14 does not have access to the alcohol. Defendant shall not go to  
15 any establishment where alcohol is the primary item of sale. U.S.  
16 Probation shall be allowed to test for alcohol if they deem it  
17 necessary, until further order of the Court.

18 4. All other terms and conditions of pretrial release set forth in the Order  
19 Denying the United States' Motion for Detention, ECF No. 21, that are not  
20 inconsistent herewith shall remain in full force and effect.

21 5. If a party seeks reconsideration of Defendant's detention before this  
22 Court because of material and newly discovered circumstances pursuant to 18  
23 U.S.C. § 3142(f), any such motion shall be a maximum of four-pages in length and  
24 shall succinctly state what circumstances are new, how they are established, and  
25 the requested change in conditions of release. The motion shall indicate whether  
26 opposing counsel; United States Probation/Pretrial Services; or another party with  
27 a substantial interest in the motion objects, whether a hearing is desired, and  
28 whether a supplemental pretrial services report is requested. If the moving party,  
after the exercise of due diligence, is unable to determine the position of any party  
listed above, the moving party may in the alternative document the date; time; and  
manner of each effort made to determine that party's position and request the Court

1 treat the motion as expedited and submitted without argument. **Motions in**  
2 **Spokane cases shall be heard as set by the Spokane Magistrate Judge**  
3 **Courtroom Deputy. Yakima cases shall be heard on the following Wednesday**  
4 **docket, and Richland cases shall be heard on the following Thursday**  
5 **docket.** If the Court determines that oral argument is unnecessary on the motion,  
6 the motion shall be set for decision on the Court's 6:30 p.m. docket.

7 6. If a party desires that another court review this Order pursuant to 18  
8 U.S.C. § 3145, that party shall promptly file a motion for review before the district  
9 judge to whom the case is assigned, as further described in the Detention Order  
10 Review Protocol published for the Eastern District of Washington. Both parties  
11 shall cooperate to ensure that the motion is promptly determined.

12 **IT IS SO ORDERED.**

13 DATED August 20, 2024.



  
JAMES A. GOEKE  
UNITED STATES MAGISTRATE JUDGE